

ORIGINAL  
RECEIVED

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUN 29 1995

In re Application of )  
ELLIS THOMPSON CORPORATION ) CC Docket No. 94-136  
For facilities in the Domestic )  
Public Cellular Radio Tele- )  
communications Service on )  
Frequency Block A in Market )  
No. 134, Atlantic City, New Jersey )  
To: Honorable Joseph Chachkin  
Administrative Law Judge

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

DOCKET FILE COPY ORIGINAL

REQUEST FOR ESTABLISHMENT OF PROCEDURAL DATE  
FOR FILING OF JOINT MOTION FOR SUMMARY DECISION

Ellis Thompson Corporation ("ETC"), American Cellular Network Corp. d/b/a Comcast Cellular ("Amcell"), Telephone and Data Systems, Inc. ("TDS"), and the Wireless Telecommunications Bureau ("Wireless Bureau"), the parties to the above-captioned proceeding, by their attorneys, hereby request until Friday, July 14, 1995, to submit for approval the Joint Motion for Summary Decision which, if favorably acted upon, would result in an earlier resolution of the issues pending in this proceeding.

On May 17, 1995, the parties submitted a "Joint Motion for Extension of Time to File Motion for Summary Decision and for Continuance of Procedural Dates." By Order<sup>1/</sup> issued May 18, 1995, the Presiding Judge granted the parties' motion, staying all procedural dates until June 30, 1995 to allow the parties to file their Joint Motion for Summary Decision. While the parties have

<sup>1/</sup> Memorandum Opinion and Order, CC Docket No. 94-136, File No. 14261-CL-P-134A-88, Released May 22, 1995.

No. of Copies rec'd  
List ABCDE

*DAE*

worked diligently in preparing the Joint Motion, the press of other commitments and conflicting summer vacation schedules among the various parties have necessitated the filing of the instant request.

In particular, Counsel for the Wireless Bureau has been involved in the Commission's IVDS Commercial Realty Proceedings and has had to devote more time than originally anticipated to that proceeding. In addition, Wireless Bureau Counsel had a previously scheduled vacation which will not permit coordinating final review of the Joint Motion by all parties by the presently scheduled date. A submission date of July 14, one week subsequent to counsel's return from vacation, should be sufficient time to incorporate counsel's changes, circulate the motion and secure signatures.

The parties submit that grant of the Request for Establishment of Procedural Date for Filing of the Joint Motion for Summary Decision will not adversely affect the Presiding Judge's consideration of the above-captioned matter in a timely manner. The establishment of a procedural date will conserve the Commission's scarce resources and expedite the conduct of its business, if the Presiding Judge rules, as the parties will contend, that there is no genuine issue of material fact, obviating the need for a hearing. For these reasons, grant of the parties' request is in the public interest.

FOR THE FOREGOING REASONS, the parties respectfully request that July 14, 1995 be established as the procedural date for filing of the Joint Motion for Summary Decision.

ELLIS THOMPSON CORPORATION

By:

Stuart F. Feldstein (lf)  
Stuart F. Feldstein  
Richard Rubin  
Christopher G. Wood

Fleischman & Walsh, L.L.P.  
1400 Sixteenth Street, N.W.  
6th Floor  
Washington, D.C. 20036

TELEPHONE AND DATA SYSTEMS,  
INC.

By:

Alan Y. Naftalin (lf)  
Alan Y. Naftalin  
Herbert D. Miller, Jr.

Koteen & Naftalin  
1150 Connecticut Avenue,  
N.W.  
Suite 1000  
Washington, D.C. 20036

AMERICAN CELLULAR NETWORK CORP.  
D/B/A COMCAST CELLULAR

By:

Louis Gurman  
Louis Gurman  
Jacob S. Farber

Gurman, Blask & Freedman,  
Chartered  
1400 Sixteenth Street, N.W.  
Suite 500  
Washington, D.C. 20036

Its Attorneys

CHIEF, WIRELESS TELECOM-  
MUNICATIONS BUREAU

By:

Joseph P. Weber (lf)  
Joseph Paul Weber  
Terrence E. Reideler

Wireless Telecommunications  
Bureau  
Federal Communications  
Commission  
1919 M Street, N.W., Rm 644  
Washington, D.C. 20554

Its Attorneys

June 29, 1995

**CERTIFICATE OF SERVICE**

I, Jamie Whitney, a secretary in the law offices of Gurman, Blask and Freedman, Chartered, do hereby certify that I have on this 29th day of June, 1995, had copies of the foregoing "Request for Establishment of Procedural Date for Filing of Joint Motion For Summary Decision" mailed by U.S. first class mail, postage prepaid, to the following:

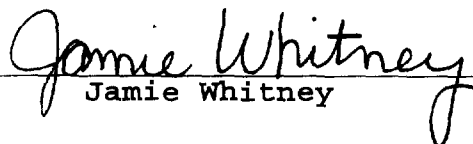
- \* Honorable Joseph Chachkin  
Federal Communications Commission  
2000 L Street, N.W., Room 227  
Washington, D.C. 20554
- \* Joseph Paul Weber, Esquire
- \* Terrence E. Reideler, Esquire  
Wireless Telecommunications Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 644  
Washington, D.C. 20554

Alan Y. Naftalin, Esquire  
Herbert D. Miller, Esquire  
Koteen & Naftalin  
1150 Connecticut Avenue, N.W.  
Suite 100  
Washington, D.C. 20036

Stuart F. Feldstein, Esquire  
Richard Rubin, Esquire  
Christopher G. Wood, Esquire  
Fleischman & Walsh, P.C.  
1400 Sixteenth Street, N.W.  
6th Floor  
Washington, D.C. 20036

David A. Lokting, Esquire  
Steve Larson, Esquire  
Stoll, Stoll, Berne, Fischer,  
Portnoy & Lokting  
209 S.W. Oak Street  
Portland, Oregon 97204

Alan N. Salpeter, Esquire  
Michele Odorizzi, Esquire  
Mayer, Brown & Platt  
190 South La Salle Street  
Chicago, IL 60603

  
Jamie Whitney

\* Hand Delivered